

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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J&J SPORTS PRODUCTIONS, INC.,

Plaintiff,

-against-

MEMORANDUM & ORDER
12-CV-3177 (JS) (WDW)

CHULITAS ENTERPRISE CORP. d/b/a
CHULITAS SPORTS BAR; GLORIA P.
VELECELA, and ALEJANDRO RIOS,

Defendant.

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APPEARANCES

For Plaintiff: Paul J. Hooten, Esq.
Paul J. Hooten & Associates
5505 Nesconset Highway, Suite 203
Mount Sinai, NY 11766

For Defendant: No appearances.

SEYBERT, District Judge:

Currently pending before the Court is plaintiff J & J Sports Productions, Inc.'s ("Plaintiff") motion for default judgment and Magistrate Judge William D. Wall's Report and Recommendation ("R&R"). For the following reasons, the Court ADOPTS this R&R in its entirety.

BACKGROUND

Plaintiff commenced this action on June 26, 2012 against defendants Chulitas Enterprise Corp. d/b/a Chulitas Sports Bar ("Chulitas"); Gloria P. Velecela ("Velecela"); and Alejandro Rios ("Rios," and collectively, "Defendants") pursuant

to Section 705 of the Communications Act of 1934, 47 U.S.C. §§ 605 and 553.

After twice requesting a certificate of default unsuccessfully, Plaintiff again requested a certificate of default on April 24, 2013 (Docket Entry 10), which was entered by the Clerk of the Court the following day (Docket Entry 11). On May 8, 2013, Plaintiff moved for default (Docket Entry 12), and, on August 16, 2013, the Court referred Plaintiff's motion to Judge Wall (Docket Entry 15).

On February 10, 2014, Judge Wall issued an R&R recommending that the motion be granted as to Chulitas, but denied as to Velecela and Rios. Judge Wall further recommends that Plaintiff be awarded a total award of \$9,581.60, comprised of statutory damages in the amount of \$3,077.20, enhanced damages in the amount of \$6,154.40, and costs in the amount of \$350.00.

No party has objected to any portion of Judge Wall's R&R.

DISCUSSION

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If no timely objections have been made, the "court need only satisfy itself that there is no clear error on

the face of the record.” Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (internal quotation marks and citation omitted).

Here, no party objected to Judge Wall’s R&R. And the Court finds his R&R to be correct, comprehensive, well-reasoned and free of any clear error. Accordingly, the Court ADOPTS it in its entirety.

CONCLUSION

Judge Wall’s R&R is ADOPTED in its entirety, and Plaintiff’s motion is GRANTED IN PART and DENIED IN PART. It is DENIED as to Velecela and Rios, but GRANTED as to Chulitas. Plaintiff is hereby awarded a default judgment against Chulitas in the amount of \$9,581.60, broken down as follows:

- (1) \$3,077.20 in statutory damages;
- (2) \$6,154.40 in enhanced damages; and
- (3) \$350 in costs.

The Clerk of the Court is directed to enter a Judgment consistent with this Memorandum and Order and to mark this matter CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: March 10, 2014
Central Islip, NY